

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.6256 OF 2016

1. Sunil s/o Namdev Khandagale,
Age: 37 years, Occ: Agri.,
R/o. Annabhau Sathe Chowk,
Aundha (N), Tq. Aundha,
Dist. Hingoli.
 2. Vinod s/o Namdeo Khandagale,
Age: 27 years, Occ: Agri.,
R/o. Annabhau Sathe Chowk,
Aunda (N), Tq. Aundha,
Dist. Hingoli
- ..APPLICANTS

VERSUS

The State of Maharashtra
Through Police Station Officer,
Aundha Police Station, Tq. Aundha
nagnath, Dist. Hingoli. . ..RESPONDENT

Mr B.N. Magar, Advocate for applicants;
Mr C.V. Dharurkar, Add. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 28th NOVEMBER, 2016

ORAL ORDER :

Heard.

2. The applicants, who have been arrested on

(2)

19th October, 2016, seek their release, as they have so been arrested pursuant to Crime No. 78 of 2016 registered with Aundha Police Station, District Hingoli, for offences punishable under Sections 307, 395, 143, 147, 148, 149, 452, 324, 323, 504 and 506 of the Indian Penal Code.

3. As per first information report dated 18th October, 2016, present applicants and six others are stated to have entered into altercation with the informant in the back ground of municipal elections. The present applicants are stated to have tried to strangulate one Vilas and are alleged to have snatched gold ornaments of wife of the informant. On the same day, applicant No.1 also lodged F.I.R. No. 79 of 2016 against the earlier informant and his family members on the basis of very same incident.

4. It is submitted by the learned Counsel for the applicant that after applicants' arrest, nothing has been recovered from them. The injuries

(3)

suffered by Vilas appear to be simple in nature and caused by hard and blunt object. It is submitted that the said Vilas was immediately discharged after treatment. It is, therefore, submitted that considering the nature of dispute between two families, the applicants be released on bail.

5. The application is opposed by learned Additional Public Prosecutor by relying upon the police papers. He submits that the statements recorded indicate the overt act on the part of present applicants and hence their involvement in the said crime. He submits that nothing has been recovered from either of the applicants.

6. Perused the F.I.R. in Crime No. 78 of 2016 as well as Crime No. 79 of 2016, same indicate clashes between two families over some election dispute. The injury certificate of Vilas indicates blunt trauma on neck and chest. There are no further medical papers to indicate any other treatment was taken by Vilas. Considering the

(4)

incident as occurred and in view of nature of injuries sustained by Vilas, I do not find any reason to keep the applicants behind the bars. They can be directed to co-operate with the investigation by putting them to terms.

7. For the aforesaid reasons, the following order is passed:-

(i) The applicants shall be released on bail, in connection with Crime No. 78 of 2016 registered with Aundha Police Station, District Hingoli, for offences punishable under Sections 307, 395, 143, 147, 148, 149, 452, 324, 323, 504 and 506 of the Indian Penal Code, on furnishing P.R. bond of Rs.15,000/- each, with one surety in the like amount.

(ii) They shall attend the concerned police station on 6th December, 2016 and thereafter as per directions of the Investigating Officer.

(5)

(iii) No steps shall be taken by them to influence the prosecution witnesses.

8. It is clarified that the observations made in this order are only for the purpose for deciding present bail application.

9. Criminal Application is allowed on above terms and disposed of.

(A.S. CHANDURKAR, J.)

Tupe